

**\*E-FILED 06-09-2010\***

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Attorneys for Plaintiff

BUTTE STEEL & FABRICATION, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

BUTTE STEEL & FABRICATION,  
INC., a California corporation,

Plaintiff,

v.

JACKSON DEAN  
CONSTRUCTION, INC.; FIDELITY  
AND DEPOSIT COMPANY OF  
MARYLAND and DOES 1 through  
100, inclusive,

Defendant.

No. CV10-01340 HRL

**STIPULATED REQUEST FOR ORDER  
STAYING ALL PROCEEDINGS PENDING  
ARBITRATION AND**

~~PROPOSED~~ ORDER

Complaint Filed: March 15, 2010

Plaintiff Butte Steel & Fabrication, Inc. ("Butte Steel") and defendant Jackson Dean Construction, Inc. ("Jackson Dean") by and through their respective counsel, stipulate and request an order of the Court as follows:

1. The parties stipulate that this dispute is subject to the arbitration provision in the contract documents between the parties. Butte Steel and Jackson Dean therefore stipulate to a request that this Court stay all proceedings, including motion work, discovery, and deadlines of any type, before, during and until completion of the Arbitration between the parties.

1           2. The parties agree and stipulate that the requested stay is for the entire  
2 action now pending in this Court including, but not limited to, all discovery proceedings  
3 and other related deadlines between the parties.

4           3. The parties agree and stipulate that the Arbitration will be commenced in  
5 Seattle, Washington with a Seattle based arbitrator(s).

6           4. The parties agree and stipulate that nothing in this Stipulation shall affect  
7 the powers of the appointed arbitrator to make any decisions or rulings regarding  
8 procedures to be used in this case. All of the parties' rights are, unless specifically  
9 addressed in this Stipulation, or in the order of the Court following the Stipulation, fully  
10 reserved.

11           Dated: June 8, 2010

12           CARROLL, BURDICK & McDONOUGH LLP

13  
14 By 

Wallace E. Smith

15 Attorneys for Plaintiff

16 BUTTE STEEL & FABRICATION, INC.

17           Dated: June 8, 2010

18           LANE POWELL

19  
20 By 

Andrew J. Gabel

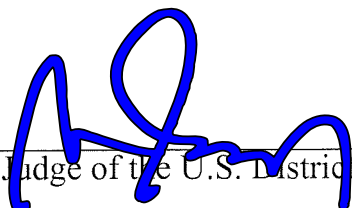
21 Attorneys for Defendant JACKSON DEAN  
22 CONSTRUCTION, INC.

23  
24           ~~PROPOSED~~ ORDER

25           Based upon this Stipulation and stipulated request of the parties as set forth  
26 above, the Court hereby orders that all proceedings in this matter are stayed until further  
27 notice or order of this Court.  
28

SO ORDERED.

Dated: June 9, 2010

  
\_\_\_\_\_  
Magistrate Judge of the U.S. District Court  
Howard R. Lloyd